

Application Serial No: 10/521,235  
Responsive to the Office Action mailed August 5, 2008

### **REMARKS**

This Amendment is in response to the Office Action mailed on August 5, 2008. Claims 1, 7 and 8 are amended editorially and are supported, for example, in the specification on page 5, lines 16-32, page 6, line 37-page 7, line 13 and in Figures 1, 2 and 5. No new matter is added. Claims 1-8 are pending.

#### **§102 Rejections:**

Claims 1, 2, 7 and 8 are rejected as being anticipated by Hennessy (US Patent No. 6,277,071). This rejection is traversed.

Claim 1 is directed to a medical data warning notifying system for a peritoneal dialysis patient in which a patient terminal used by a patient, a server that controls data that are exchanged between the patient terminal and a hospital terminal, and the hospital terminal used by a doctor are connected via a network. The server requires, among other features, a medical data receiving portion for receiving medical data that were input at the patient terminal, a judging portion for judging whether or not the received medical data include abnormal data, a warning notifying portion for sending a warning signal to the hospital terminal if it is judged that the medical data include abnormal data, and a message transceiver portion for receiving a message generated by the hospital terminal and sending the message to the patient terminal. The judging portion is provided with respective threshold values for each of the amount of water drained, the body weight, the maximum blood pressure, the minimum blood pressure, and the pulse rate for each patient for determining whether or not each of the medical data is abnormal. Also, when the judging portion has judged that the medical data includes abnormal data, the server operates the warning notifying portion so as to send the warning signal to the hospital terminal and at the same time sends the medical data judged to be abnormal data to the hospital terminal, and then when the message transceiver portion has received a message from the hospital terminal, the message is sent to the patient terminal from the message transceiver portion.

Hennessy does not disclose or suggest these features. Hennessy is directed to a chronic disease monitor wherein medical data is entered into the monitor and the monitor makes a judgment about whether or not the received medical data includes abnormal data

Application Serial No: 10/521,235  
Responsive to the Office Action mailed August 5, 2008

so that an alert can be sent if necessary (see column 5, line 30-column 6, line 2 and Figures 11A and 11B). However, nowhere does Hennessy disclose or suggest that when the judging portion has judged that the medical data includes abnormal data, the server operates the warning notifying portion so as to send the warning signal to the hospital terminal and at the same time sends the medical data judged to be abnormal data to the hospital terminal, and then when the message transceiver portion has received a message from the hospital terminal, the message is sent to the patient terminal from the message transceiver portion, as required by claim 1. Also, nowhere does Hennessy disclose or suggest a judging portion that is provided with respective threshold values for each of the amount of water drained, the body weight, the maximum blood pressure, the minimum blood pressure, and the pulse rate for each patient for determining whether the medical data includes abnormal data, as required by claim 1. For at least these reasons claim 1 is not suggested by Hennessy and should be allowed. Claim 2 depends from claim 1 and should be allowed for at least the same reasons.

Claim 7 is directed to a medical data warning notifying method for a peritoneal dialysis patient provided in an environment in which a patient terminal used by a patient, a server that controls data that are exchanged between the patient terminal and a hospital terminal, and the hospital terminal used by a doctor are connected via a network. The server is operated to perform, inter alia, receiving medical data that were input at the patient terminal, judging whether or not the received medical data include abnormal data, sending a warning signal to the hospital terminal if it is judged that the medical data include abnormal data, and receiving a message generated by the hospital terminal and sending the message to the patient terminal. In the judging step, the received medical data are compared with respective threshold values for each of the amount of water drained, the body weight, the maximum blood pressure, the minimum blood pressure, and the pulse rate for each patient for determining whether or not each of the data is abnormal, and it is judged that the medical data includes abnormal data when a medical data out of the threshold value is detected. Also, when it has been judged that the medical data includes abnormal data, the server sends the warning signal to the hospital terminal and at the same time sends the medical data judged to be abnormal data to the

Application Serial No: 10/521,235  
Responsive to the Office Action mailed August 5, 2008

hospital terminal, and then when a message from the hospital terminal has been received, the message is sent to the patient terminal from the message transceiver portion.

Similarly to claim 1, nowhere does Hennessy disclose or suggest that when it has been judged that the medical data includes abnormal data, the server sends the warning signal to the hospital terminal and at the same time sends the medical data judged to be abnormal data to the hospital terminal, and then when a message from the hospital terminal has been received, the message is sent to the patient terminal from the message transceiver portion. Also, nowhere does Hennessy disclose or suggest that in the judging step, the received medical data are compared with respective threshold values for each of the amount of water drained, the body weight, the maximum blood pressure, the minimum blood pressure, and the pulse rate for each patient, as required by claim 7. For at least these reasons claim 7 is not suggested by Hennessy and should be allowed.

Claim 8 is directed to a computer-executable program in a server for implementing a medical data warning notifying method for a peritoneal dialysis patient provided in an environment in which a patient terminal used by a patient, a server that controls data that are exchanged between the patient terminal and a hospital terminal, and the hospital terminal used by a doctor are connected via a network. The computer executable program requires, inter alia, receiving medical data that were input at the patient terminal, judging whether or not the received medical data includes abnormal data, sending a warning signal to the hospital terminal if it is judged that the medical data include abnormal data, and receiving a message generated by the hospital terminal and sending the message to the patient terminal. In the judging step, the received medical data are compared with respective threshold values for each of the amount of water drained, the body weight, the maximum blood pressure, the minimum blood pressure, and the pulse rate for each patient for determining whether or not each of the data is abnormal, and it is judged that the medical data includes abnormal data when a medical data out of the threshold value is detected. Also, when it has been judged that the medical data includes abnormal data, the server sends the warning signal to the hospital terminal and at the same time sends the medical data judged to be abnormal data to the hospital terminal, and then when a message from the hospital terminal has been received, the message is sent to the patient terminal from the message transceiver portion.

Application Serial No: 10/521,235  
Responsive to the Office Action mailed August 5, 2008

Similarly to claim 7, nowhere does Hennessy disclose or suggest that when it has been judged that the medical data include abnormal data, the server sends the warning signal to the hospital terminal and at the same time sends the medical data judged to be abnormal data to the hospital terminal, and then when a message from the hospital terminal has been received, the message is sent to the patient terminal from the message transceiver portion. Also, nowhere does Hennessy disclose or suggest that in the judging step, the received medical data are compared with respective threshold values for each of the amount of water drained, the body weight, the maximum blood pressure, the minimum blood pressure, and the pulse rate for each patient, as required by claim 8. For at least these reasons claim 8 is not suggested by Hennessy and should be allowed.

§103 Rejections:

Claims 3 and 4 are rejected as being unpatentable over Hennessy in view Axe (US Patent No. 5,203,343). This rejection is traversed. Claims 3 and 4 depend from claim 1 and should be allowed for at least the same reasons described above. Applicants do not concede the correctness of this rejection.

Claims 5 and 6 are rejected as being unpatentable over Hennessy in view Campbell (US Patent No. 6,208,974). This rejection is traversed. Claims 5 and 6 depend from claim 1 and should be allowed for at least the same reasons described above. Applicants do not concede the correctness of this rejection.

Application Serial No: 10/521,235  
Responsive to the Office Action mailed August 5, 2008

Conclusion:

Applicants respectfully assert that claims 1-8 are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.



Dated: November 5, 2008

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &  
LARSON, P.C.  
P.O. Box 2902-0902  
Minneapolis, MN 55402-0902  
(612) 455-8800

By: 

Douglas P. Mueller  
Reg. No. 30,300  
DPM/ahk